

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER RODRIGUEZ,

Plaintiff,

-against-

THE CITY OF NEW YORK, E.S.U. CAPTAIN
MOISE #1451, E.S.U. OFFICER GALUZEVSKIY
#8957, E.S.U. OFFICER TEMIR WILLIAMS
#11475, CORRECTION OFFICER FERRARO
#1805, CAPTAIN GIBSON,

Defendants.

20 Civ. 9840 (JHR) (BCM)

**AFFIDAVIT OF
NOAH ROTHMAN**

STATE OF NEW YORK,)
) ss:
COUNTY OF NEW YORK,)

NOAH ROTHMAN, being duly sworn, deposes and says:

1. I am an attorney at the law firm Cravath, Swaine & Moore LLP, and I represent Plaintiff Peter Rodriguez in the above-captioned matter for the limited purpose of responding to Defendants' motion for summary judgment.
2. I am familiar with the facts and circumstances of this action, and I submit this affidavit to place the relevant documents on the record to support Plaintiff's opposition to Defendants' motion for summary judgment.
3. Attached hereto as **Exhibit A** is a true copy of relevant pages of Facility Referral U4068/2020, regarding the incident that occurred on August 31, 2020, produced by Defendants in this action at Bates numbers DEF007748-49.

4. Attached hereto as **Exhibit B** is a true and complete copy of the deposition transcript of Plaintiff Peter Rodriguez in this action, taken by Defendants on September 14, 2022.

5. Attached hereto as **Exhibit C** is a true and complete copy of the Use of Force (“UOF”) Package for UOF ID Number 4068/20, regarding the incident that occurred on August 31, 2020, produced by Defendants in this action at Bates numbers DEF000001-52.

6. Attached hereto as **Exhibit D** is a true and complete copy of the relevant page of the Manhattan Detention Complex Clinic Injury Report Logbook from August 31, 2020, produced by Defendants in this action at Bates number DEF000494.

7. Attached hereto as **Exhibit E** is a true and complete copy of the relevant Injury to Inmate Report for the incident that occurred on August 31, 2020, produced by Defendants in this action at Bates number DEF000445.

8. Attached hereto as **Exhibit F** is a true copy of relevant pages of Plaintiff Peter Rodriguez’s correctional medical records, produced by Defendants in this action.

9. Attached hereto as **Exhibit G** is a true and complete copy of the Second Amended Complaint in this action, ECF No. 30, filed February 9, 2021.

10. Attached hereto as **Exhibit H** is a true and complete copy of Unusual Incident Report 3442/20, regarding Plaintiff Peter Rodriguez’s attempted suicide on December 19, 2020, produced by Defendants in this action at Bates numbers DEF007730-7747.

11. Attached hereto as **Exhibit I** is a copy of the Office of Constituent and Grievance Services Inmate Statement Form (“grievance form”) that was provided to Plaintiff Peter Rodriguez after the August 31, 2020 incident.

12. Attached hereto as **Exhibit J** is a true and complete copy of the initial Complaint in this action, ECF No. 2, filed November 20, 2020.

13. Attached hereto as **Exhibit K** is a true and complete copy of the Department of Correction Directive 4510R-H, titled “Chemical Agents,” which was in effect on August 31, 2020 and was produced by Defendants in this action at Bates numbers DEF007610-30.

14. Attached hereto as **Exhibit L** is a true and complete copy of the investigation report regarding the incident on August 31, 2020, produced by Defendants in this action at Bates number DEF000425.



Noah Rothman

Sworn to before me this

9th day of June, 2025.

CAROLYN GROCCIA
Notary Public, State of New York
No. 01GR0017903
Qualified in Westchester County
Commission Expires December 5, 2027
Notary Public

